

#### E UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DOUGLAS P. CERRETTI

Appln. No. 08/538,709

Group Art Unit: 1647

Filed: October 3, 1995 Examiner: Draper, G.

For: DNA ENCODING CYTOKINE DESIGNATED

LERK-6

COVECTED

DECLARATION UNDER 37 C.F.R. § 1.131

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

I, DOUGLAS P. CERRETTI do hereby declare and state:

I am the inventor of the invention disclosed and claimed in the above-mentioned application.

I am familiar with U.S. Patent 5,795,734, issued to Flanagan on August 18, 1998 (hereinafter the "Flanagan Patent"), from U.S. Patent Application Serial No. 08/455,001, filed May 31, 1995 (hereinafter the "Flanagan Application"), which I understand is a Continuation-In-Part of Serial No. 08/393,461, filed February 27, 1995 (hereinafter the "Flanagan Parent Application"), which is a Continuation-In-Part of Serial No. 08/308,814, filed September 19, 1994 (hereinafter the "Flanagan Grandparent Application").

The Flanagan Patent discloses DNA encoding Elf-1, a mouse polypeptide which is now known in the art as mouse LERK-6.

In order to demonstrate and establish, inter alia, that I conceived and reduced to practice a DNA molecule encoding a polypeptide having mouse LERK-6 sequences in the United States by at least September 15, 1994, i.e., prior to the

September 19, 1994, filing date of the Flanagan Grandparent Application, copies of the following laboratory notebook pages and related materials, identified in detail below, are provided herewith in Appendices A-G.

I declare and state that although all of the dates from the laboratory notebook pages and related materials have been removed, all of the dates are prior to at least September 15, 1994.

Appendix A contains pages from Nicole Nelson's Laboratory Notebook No. 4266 (Bates Nos. 0001-0007). At the time, Nicole Nelson was a Research Assistant who worked under my direction and supervision at Immunex Corporation.

Appendix B contains a copy of U.S. Patent 5,516,658 (Bates Nos. 0008-0026).

Appendix C contains oligonucleotide request forms prepared by Carl Kozlosky (Bates Nos. 0027-0030). At the time, Carl Kozlosky was a Research Associate who worked under my direction and supervision at Immunex Corporation.

Appendix D contains pages from Carl Kozlosky's Laboratory Notebook No. 3388 (Bates Nos. 0031-0037).

Appendix E contains various computer printouts of LERK sequences that I personally generated (Bates Nos. 0038-0049).

Appendix F contains the minutes of an internal HEK/ELK meeting at Immunex Corporation that was chaired by Barry Davison in my absence (Bates Nos. 0050-0051). Barry Davison, who prepared the minutes, was the Director of the Transgenics Department at Immunex Corporation at the time.

Appendix G contains a copy of American Type Culture Collection Form BP4/9 for ATCC deposit No. 75829 (Bates No. 0052).

Prior to September 15, 1994, and as described in Example 1 of the present application, a DNA molecule encoding mouse LERK-6 was isolated under my direction and supervision. The specific experiments detailed below were carried out at my behest and command and under my direction and supervision by scientists at Immunex Corporation.

More specifically, prior to September 15, 1994, and as described at page 23, lines 5-7 of the present application, a commercially available 11.5 day murine embryonic cDNA library was obtained by Nicole Nelson from Clonetech Laboratories, Inc., Palo Alto, California (Appendix A, Bates No. 0003).

Next, prior to September 15, 1994, and as described on page 23, lines 7-8 of the present application, the library was plated by Nicole Nelson according to the procedures detailed in the manual provided by Clonetech (Appendix A, Bates No. 0004). The initial purpose of these efforts was to clone the cDNA for mouse LERK-3 (referred to as A2) and mouse LERK-4 (referred to as C6). However, instead a new mouse LERK molecule was discovered, i.e., mouse LERK-6.

Prior to September 15, 1994, and as described on page 23, lines 8-30 of the present application, probes, referred to as A2 (LERK-3) and C6 (LERK-4), were generated using standard techniques. Generally, polymerase chain reaction (PCR) (Mullis et al, Meth. Enzymol., 155:335-350 (1987)) amplifications were performed by Carl Kozlosky (Appendix D, Bates Nos. 0036-0037) using two sets of primers. The first set of primers,

GATATTTACT GCCCGCACTA CAACAGCT SEQ ID NO:3
AGAGAAGGCG CTGTAGCGCT GGAAC SEQ ID NO:4

was used to generate amplified double stranded DNA fragments from the DNA of LERK-3 (LERK-3, also known as hek-ligand, is the subject of U.S. Patent 5,516,658 (Appendix B, Bates Nos. 0008-0026) which issued from U.S. Patent Application Serial No. 08/240,124, filed May 9, 1994, and which claims benefit of Serial Nos. 08/109,745, 08/114,426 and 08/161,132). The probe from LERK-3 comprised nucleotides 260 through 481 of the SEQ ID NO:1 of U.S. Patent 5,516,658. The second set of primers,

ACGTAGTCTA CTGGAACTCC AGTAACCCCA G SEQ ID NO:5

AGCCTCAAGC ACTGGCCAGA ACTCTCTCTG GAGT SEQ ID NO:6

was used to generate amplified double stranded DNA fragments from the DNA of LERK-4 (LERK-4 also is the subject of U.S. Patent 5,516,658). The probe from LERK-3 comprised nucleotides 110 through 467 of the SEQ ID NO:3 of U.S. Patent 5,516,658.

Prior to September 15, 1994, Carl Kozlosky requested that the core facility at Immunex Corporation synthesize the oligonucleotide represented by SEQ ID NO:3, i.e., oligo #12334 (also referred to as A2rib5.28) (Appendix C, Bates No. 0027), and the core facility actually synthesized such prior to September 15, 1994, as shown in (Appendix C, Bates No. 0027).

Prior to September 15, 1994, Carl Kozlosky requested that the core facility at Immunex Corporation synthesize the oligonucleotide represented by SEQ ID NO:4, i.e., oligo #12333 (also referred to as A2T7.49) (Appendix C, Bates No. 0028), and the core facility actually synthesized such prior to September 15, 1994, as shown in (Appendix C, Bates No. 0028).

Prior to September 15, 1994, Carl Kozlosky requested that the core facility at Immunex Corporation synthesize the oligonucleotide represented by SEQ ID NO:5, i.e., oligo #12312

(also referred to as C6RIBO5.31) (Appendix C, Bates No. 0029), and the core facility actually synthesized such prior to September 15, 1994, as shown in (Appendix C, Bates No. 0029).

Prior to September 15, 1994, Carl Kozlosky requested that the core facility at Immunex Corporation synthesize the oligonucleotide represented by SEQ ID NO:6, i.e., oligo #12316 (also referred to as C6T7.54) (Appendix C, Bates No. 0030), and the core facility actually synthesized such prior to September 15, 1994, as shown in (Appendix C, Bates No. 0030).

Oligonucleotides #12333 and 12316 also included nucleotides encoding the T7 polymerase promoter.

Prior to September 15, 1994, Carl Kozlosky identified the location of oligonucleotides #12334 (A2rib5.28) and #12333 (A2T7.49) in the LERK-3 DNA sequence, as shown in Appendix D, Bates Nos. 0032-0033); as well as the location of oligonucleotides #12312 (C6RIBO5.31) and 12316 (C6T7.54) in the LERK-4 DNA sequence, as shown Appendix D, Bates Nos. 0034-0035).

Thereafter, and prior to September 15, 1994, and as described on page 23, lines 30-35 of the present application, the PCR fragments (A2/LERK-3 and C6/LERK-4) were radiolabelled by Nicole Nelson with <sup>32</sup>P (Appendix A, Bates No. 0005), and used by Fred Fletcher as probes to screen the murine embryonic cDNA library prepared by Nicole Nelson by conventional procedures, and hybridizing clones were identified. Fred Fletcher was a Staff Scientist at Immunex Corporation at the time who worked on the LERK project under my direction and supervision. The hybridizing conditions consisted of 42°C and 50% Starks washed to 0.1X SSC at 63°C (Appendix A, Bates Nos. 0005-0006). In this manner, clone #13 was identified by Fred Fletcher on an X-ray

film, a copy of which was placed in Nicole Nelson's Laboratory Notebook (Appendix A, Bates No. 0007).

Then, and prior to September 15, 1994, and as described on and page 24, line 4, of line 35 the application, the nucleotide sequence of the cDNA insert of clone #13  $(\lambda 13)$ , isolated from the murine embryonic cDNA library, i.e., mouse LERK-6 (mLERK6), was determined at my request by the core facility at Immunex Corporation, and the results were entered into a computer database, a printout of which, which was generated prior to September 15, 1994, is shown in Appendix E, Bates Nos. 0038-0039. DNA encoding the first 5 amino acids shown in Appendix E is derived from the sequencing vector, as not nucleotide by the mark between the fifth amino acid (Arg) and the fixth nucleotide by Cac. sixth amino acid (Ala). Also, the initiation codon Met is not Thus, a substantially complete cDNA shown in Appendix E. sequence of the coding region of the clone  $\lambda$ 13 cDNA, and the amino acid sequence encoded thereby were determined, and are presented in SEQ ID NO:1 and SEQ ID NO:2, respectively of the open-reading frame within present application. The (and within SEQ ID NO:1) encodes (a sequence in Appendix E protein of 184 amino acids beginning with the second Ala.

Prior to September 15, 1994, I carried out a comparison of the amino acid sequences of mouse LERK-6 v. human LERK-3 (also referred to as A2) (Appendix E, Bates No. 0040); mouse LERK-6 v. human LERK-4 (also referred to as C6) (Appendix E, Bates No. 0041); mouse LERK-6 v. human LERK-2 (also referred to as ELKL) (Appendix E, Bates No. 0042); mouse LERK-6 v. human LERK-5 (Appendix E, Bates No. 0043); mouse LERK-6 v. human LERK-1 (also referred to as B61) (Appendix E, Bates No. 0044); mouse LERK-6 v. mouse LERK-4 (also referred to as MC6) (Appendix E, Bates

No. 0045); as well as the DNA sequences for mouse LERK-6 v. human LERK-3 (A2) (Appendix E, Bates Nos. 0046-0047),); mouse LERK-6 v. mouse LERK-4 (MC6) (Appendix E, Bates No. 0048); and mouse LERK-6 v. human LERK-5 (Appendix E, Bates No. 0049). These comparisons showed many conserved amino acids and nucleotides amongst the family, and clearly showed that LERK-6 was a member of the LERK family of proteins, and thus would bind to hek/elk.

Prior to September 15, 1994, the results of the above-discussed experiments were presented by Nicole Nelson at an internal HEK/ELK meeting at Immunex Corporation. This meeting was chaired by Barry Davison in my absence, who prepared the meeting minutes, a copy of which is shown in Appendix F Bates No. 0050-0051.

Next, as described on page 24, lines 14-17 of the present specification, on July 15, 1994, a cell lysate containing clone  $\lambda$ 13 DNA (the LERK-6 cDNA in  $\lambda$ gt10) was deposited with the American Type Culture Collection, Rockville, MD, USA, and assigned accession number ATCC 75829. A copy of the deposit receipt is shown in Appendix G, Bates No. 0052.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

as Date: 2/20/01
Connected 8/2/2003
Date: 2/20/01

Name:

DOUGLAS P. CERRETTI

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—SCIENTIFIC NOTEBOOK CO.— 2831 LAWRENCE AVE. P.O. BOX 238 STEVENSVILLE, MI 49127 616-429-8285

## IMMUNEX LABORATORY NOTEBOOK "TABLE OF CONTENTS" FORM

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PRODUCT: Mouse Embryo 5'-STRETCH cDNA Library

CAT. #: ML1027a

LOT #: 1211

STORAGE CONDITIONS: SHORT-TERM STORAGE (< 6 MONTHS)

LONG-TERM STORAGE (> 6 MONTHS) -70°C

SHELF LIFE:

1 year from date of receipt under proper storage conditions

SHIPPING CONDITIONS: Dry Ice (-70°C)

PACKAGE CONTENTS:

• 0.2 ml library lysate in 1X Lambda Dilution [-

• 0.5 ml host strain

Lambda Library Protocol Handbook (PT10)

TITER: ≥108 pfu/ml

CLONING VECTOR: Agt10

CLONING SITE: EcoRI

PRIMING METHOD: oligo(dT)-primed

HOST STRAIN: C600 Hfl

mRNA SOURCE:

whole embryo (not including placenta extraembryonic membranes) from a cross betw ICR outbred femules and outbred Swiss Welmales, 11.5 days post-coitus (noon on the day vaginal plug is 0.5 day post-coitus)

NOTE: No further information on the mRNA sou was made available to CLONTECH.

QUALITY CONTROL DATA

SELECTION CRITERIA:

Clear plaques from turbid plaques (nonrecombinar

ESTIMATED

% OF CLEAR PLAQUES: 86%

NUMBER OF

(when plated on C600 before amplifying in C600Ht.

INDEPENDENT CLONES: 1.7 x 106

AVERAGE INSERT SIZE: 1.5 kb

INSERT SIZE RANGE:

0.8-4.0 kb

AMPLIFICATION: This library was amplified once in Coop

APPROVED BY

(PA93650-1)

0003

FOR RESEARCH USE ONLY

CLONTECH Laboratories, Inc., 4030 Fabian Way. Palo Allo. CA 94303 4602, 1154 (4)

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OLLGO NAME: A2RIB5.28 Sequence Requested by: KOZLOSKY Project name: Date Requested: Date Synthesized: DNA Sequence (5'-3'): 51-415 175 TL 1960 CCG CAC TAC AAC AGC (28 been . PURIFICATION: PHENOL COMMENTS: A2 5 PRIME POR OLIGO FOR A2rib5.28 MAKING & TRIBOPROBE. R7943 1 GATATTFACT GCCCGCACTA CAACAGCT Column 2 9:44:32A Run ID : : 40PLUS CYC End Froc: End CE (DMT = On ) Sequence: 12334

Total bases = 28
A= 8, G= 4, C= 9, T= 7, 5= 0, 6= 0, 7= 0, 8= 0

MW: 8489.6

5/> GAT ATT TAC TGC CCG CAC TAC AAC AGC T <3/

Purification:
Amount of crude:

dilution factor:

concentration:

O.D.260:

yield:

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Oligo NAME: Oligo number: Sequence Requested by: Project name: Date Requested: Dace Synthesized: DNA sequence (5'-3'): 5'-TGC GAL TITE LINE GAC TOA CTA TAG AGA GAA GOL SCT GIA COS CTG GAA C-3 ' (49 bases) -PURIFICATION: PHENOE 16A's 14G's 10C's 9T's OPC COMMINTS: 3 PRIME A2 OLIGO TO PCR A T7 RIBOPROBE. THIS OLIGO IS ANTISENSE AND CONTAINS THE T7 PROMOTEP. A2t7.49 R7044 TGCGAATAAT ACGACTCACT ATTAGAGAGAA GGGGCTGTAG CGCTGGAAC Column 1 9:44:31A RuđìIb : Cycle : 40FLUS CYC End Proc: End CE (DMT = On )Sequence: ,12333 , Total bases = 49 A= 16, G= 14, C= 10, T= 9, 5= 0, 6= 0, 7= 0, 8= 0(mixed bases= 0; MW: 15174.8 5'> TGC GAA TAA TAC GAC TCA CTA TAG AGA GAA GGC GCT GTA GCG CTG GAA C ~ <3' Purification: Amount of crude: o.d.260: 1276 gel on dilution factor: 4.60 mg/2 concentration:

Oligo NAME:

C6RIBO5.31

Oligo number:

Sequence Requested by: Project name:

KOZLOSKY ELK

12312

Date Requested:

Date Synthesized:

DNA Sequence (5'-3'):

5'-ACG TAG TCT ACT GGA ACT CCA GTA ACC

(31 bases)

PURIFICATION:

9A's 6G's 10C's 6T's

COMMENTS:

5 PRIME PCR FOR C6 RIBO

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ssie : 40PLdS εχε

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(DMT = On )

Bo equence: 12312

Appled G 209118

otal bases = 31

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Purification: 000

Amount of crude: all

0.0.260: 0.382

dilution factor: (-

concentration: 6.76 19/x

yield: 636 ug

gul on 12,334

Oligo NAME:

C6T7.54

Oligo number:

12316

Sequence Requested by: Project name:

KOZLOSKY

ELK

Date Requested:

Date Synthesized:

DNA Sequence (5'-3'):

5'-TGC GAA TAA TAC GAC TCA CTA TAG CCT CAA GCA CTG GCC AGA ACT CTC TGG AGT -3'

(54 bases)

PURIFICATION: PRICEDE OPC

16A's 11G's 15C's 12T's

COMMENTS:

C6 3 PRIME FOR C6 RIBO

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SEQUENCE NAME: SEQUENCE LENGTH:

12316

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COMMENT:

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# IMMUNEX LABORATORY NOTEBOOK "TABLE OF CONTENTS" FORM

Notebook	k#: <u>3388</u>	Date form completed:
Form Co	ompleted by: <u>avl</u>	Kozlosky
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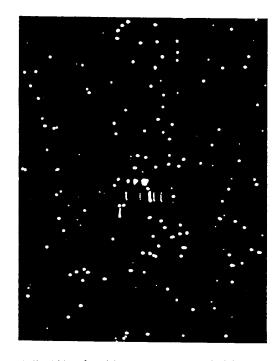
Project No.\_\_\_ Book No.\_\_\_\_ 6( From Page No.\_\_ To Page No. Witnessed & Understood by me, Date Invented by 0035

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TITLE CONTEN

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With 114 enzymes: \*

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	1							GCGCTGTGGGTGATGGCG +- CGCGACACCCACTACCGC	
a:		GluPheArgAlaArgA	laAsnAlaAspArgTyr	AlaValTvr	Trolenk	racorles Deci	TCCAAAGICCACI	erAlaValGlyAspGlyG	CGCCGATAT
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	201	CCACTTAGGAGTGGGG	++ .TGCGGAGGACACTGGT		AGGCTTTC:	AAGCGCTGGCAA	TGCAACCGGCCCG	//// / CAGCGCCCGGGGGACCC 	TCAAGTTC
a:		ValAsnGlyGluGlyH	isAlaSerCvsAsoHi	sAraGlnAr	act upho	Luckson Cl	ACGTTGGCCGGGC	GTCGCGGGCCCCTGGG	GAGTTCAAG
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	301	TCAGAGAAGTTCCAACT	CTTCACCCCCTTTTCC	CTGGGCTTT	GAGTTCC	1 1 GGCCTGGCCACG	AATACTACTACAT	CTCTGCCACACCTCCCA	1 ACCTCGTGG
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a:		ArgProCysLeuArg	LeuLysValTyrValAi	rgProThrAs	snGluThr	LeuTyrGluAl	aProGluProIle!	heThrSerAsnSersor	Cyrseraly
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		g 1	a a			a2 n8			
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	501		TCTTCCTCACCACCGT(	CCTGTGCTG	TGGTCCC	TTCTGGGCTCC	TAGTGTCAGGCCGC	GAGAACACCAGCCCCACC	TGGACCCC
•		GGACCCACCGACGGTGG	AGAAGGAGTGGTGGCAC	GGACACGAC	ACCAGGG	AAGACCCGAGGA	ATCACAGTCCGGCC	TCTTGTGGTCGGGGTGG	ACCTGGGG
a:		rendiyelyCysHisT	euPheLeuThrThrVa]	ProValleu	TrpSerL	euLeuGlySerE	EndCysGlnAlaGl	.yGluHisGlnProHisL	euAspPro -

D Es s ap еM a 1 11 ValThrPheAlaLeuEndProAlaThrAlaThrSerGluThrLysSerLeuLeuLeuLeuPheHisGlyAlaValProProGluGluAlaIleHisProSer -В Р Dp P В BS ru s 3 b t gf aM s 21 1 6 s li 1 11 701 **a**: ATTCTTT 801 ---- 807 TAAGAAA a: PhePhe Enzymes that do cut: Accl AlwN1 Apol Apal Aval Ball Banl Ban2 Bbs1 Bgl1 Bpu11021 BsaH1 Bsml Bsp1286 Bpm1 Bsal BspM1 BsrF1 BstX1 Bsu361 Dra2 Dsal Eael Ear1 EcoR1 Eco473 EcoR5 Hae2 EcoN1 Kasl Nar1 NspB2 PpuM1 Pss1 Pst1 Styl Sfil Xma1 Sma1 Srf1 Enzymes that do not cut: Aat2 Af12 Af13 Agel ApaL1 Ascl Asp718 Asel Asu2 Avr2 BamH1 Bq12 BsaAl Bcgl BsaBl BsiEl BsiW1 Bcll BspE1 BspH1 BssH2 Bst1107 BstE2 Clal Drdl Dral Eam 1105 Eco571 Esp31 Fspl Dra3 HqiA1 Hinc2 Hind3 Hpal Kpnl Mlu1 Ndel NgoMl Sall Nhe1 Not1 Mun1 Ncol Nrul Nsil NspH1 Pac1 PflM1 Pme1 Pml1 Rsr2 Pvu1 Scal SgrA1 Pvu2 SnaB1 Spel Sph1 Sse8387

Tth31

Tth32

Xba1

Xcm1

Xho1

Xho2

Xma3

 $Xm\ln 1$ 

Sspl

Sstl

Sst2

4.50

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GAP of: Mlerk6.Pep chec 6430 from: 1 to: 186 TRANSLATE of: mlerk6.seq check: 8999 from: 1 to: 558 generated symbols 1 to: 186. WORKING FILE DO NOT COPY! to: A2.Pep check: 4723 from: 1 to: 238 TRANSLATE of: a2.seq check: 6473 from: 83 to: 796 generated symbols 1 to: 238. HEKL CLONE A2 SEQ REQ 1741 DIR= [JOHNSONL.HEKL] . . . Symbol comparison table: Gencoredisk:[Gcgcore.Data.Rundata]Nwsgappep.Cmp CompCheck: 1254 Gap Weight: 3.000 Average Match: 0.540 Length Weight: 0.100 Average Mismatch: -0.396 Quality: 137.9 Length: 246 Ratio: 0.741 Gaps: 6 Percent Similarity: 67.416 Percent Identity: 48.876 Mlerk6.Pep x A2.Pep 16:30 ... 1 .....RARANADRYAVYWNRSNPRFQVSAVG 26 .: | ::|.||||.||.::. 1 MAAAPLLLLLLLVPVPLLPLLAQGPGGALGNRHAVYWNSSNQHLRR.... 46 27 DGGGYTVEVSINDYLDIYCPHY.....GAPLPPAERMERYILYMVNGE 69 47 ..EGYTVQVNVNDYLDIYCPHYNSSGVGPGAGPGPGGGAEQYVLYMVSRN 94 70 GHASCDHRQRGFKRWECNRPAAPGGPLKFSEKFQLFTPFSLGFEFRPGHE 119 95 GYRTCNASQ.GFKRWECNRPHAPHSPIKFSEKFQRYSAFSLGYEFHAGHE 143 120 YYYISATPPNLVDRPCLRLKVYV.....RPTNETLYEAPEPIFTSNSSC 163 11111 11:: ::::111:||:| :..:..: . |: .:..| .. 144 YYYIS.TPTHNLHWKCLRMKVFVCCASTSHSGEKPVPTLPQFTMGPNVKI 192 193 NVLEDFEGENPQVPKLEKSISGTSPKREHLPLAVGIAFFLMTFLAS 238

GAP of: Mlerk6.Pep check: 6430 from: 1 to: 186 TRANSLATE of: mlerk6.seq check: 8999 from: 1 to: 558 generated symbols 1 to: 186. WORKING FILE DO NOT COPY! to: C6.Pep check: 8194 from: 1 to: 201 TRANSLATE of: c6.seq check: 6086 from: 53 to: 655 generated symbols 1 to: 201. HEKL 132-11, C6-no vector 2491, T7, DPC3266, DPC3267. DPC3274, DPC3275 SR1810 KOZLOSKY file: [BERTLESJ.HEKL]C6.SEQ . . . Symbol comparison table: Gencoredisk:[Gcgcore.Data.Rundata]Nwsgappep.Cmp CompCheck: 1254 Gap Weight: 3.000 Average Match: 0.540 Length Weight: 0.100 Average Mismatch: -0.396 Quality: 118.5 Length: Ratio: 0.637 Gaps: 7 Percent Similarity: 61.988 Percent Identity: 46.199 Mlerk6.Pep x C6.Pep 16:31 ... 1 ......RARANAD.RYAVYWNRSNPRFQVSAVGDGGGY 31 - 1:... 1... | 1: 1 MRLLPLLRTVLWAAFLGSPLRGGSSLRHVVYWNSSNPRLL.....RGDA 44 32 TVEVSINDYLDIYCPHYGAPLPPAERMERYILYMVNGEGHASCD.HRQRG 80 45 VVELGLNDYLDIVCPHYEGPGPPEGP.ETFALYMVDWPGYESCQAEGPRA 93 81 FKRWECNRPAAPGGPLKFSEKFQLFTPFSLGFEFRPGHEYYYISATPPNL 130 94 YKRWVC...SLPFGHVQFSEKIQRFTPFSLGFEFLPGETYYYISVPTPES 140 131 VDRPCLRLKVYVRPTNETLYEAPEPIFTSNSSCSGLGGCH...... 170 141 SGQ.CLRLQVSVCCKERKSESAHPVGSPGESGTSGWRGGDTPSPLCLLLL 189 171 LFLTTVPVLWSLLGS\* 186 1:1 .:.:1: | 190 LLLLILRLLRIL.... 201

GAP of: Mlerk6.Pep che : 6430 from: 1 to: 186 TRANSLATE of: mlerk6.seq check: 8999 from: 1 to: 558 generated symbols 1 to: 186. WORKING FILE DO NOT COPY! to: Elkl.Pep check: 1665 from: 1 to: 240 TRANSLATE of: tele7.seq check: 2210 from: 308 to: 1345 generated symbols 1 to: 346. [hollingsworth.tele7] ELKL-E7.SEQ + ELKL-E7-3PRIME.SEQ; req#1262 mGel 97 #2491+ #2492-/ mGel101 DPC2236+ DPC2239+/ mGel104 DPC2258+ DPC2257-/mGel105 DPC2261- /mGel107 DPC2271+ 2272- 2273- 2274+ . . . Symbol comparison table: Gencoredisk:[Gcgcore.Data.Rundata]Nwsgappep.Cmp CompCheck: 1254 Gap Weight: 3.000 Average Match: 0.540 Length Weight: 0.100 Average Mismatch: -0.396 Quality: 82.7 Length: 248 Ratio: 0.445 Gaps: 6 Percent Similarity: 46.067 Percent Identity: 28.652 Mlerk6.Pep x Elkl.Pep 16:46 ... 1 RARANADR.......YAVYWNRSNPRFQVSAVG......DGGGY 31 . | | : . . : :|::: . .:.:|: 1 MARPGQRWLGKWLVAMVVWALCRLATPLAKNLEPVSWSSLNPKFLSGKGL 50 32 TVEVSINDYLDIYCPHYGAPLPPAERMERYILYMVNGEGHASCDHRQRGF 81 51 VIYPKIGDKLDIICPRAEAGRP....YEYYKLYLVRPEQAAACSTVLDPN 96 82 KRWECNRPAAPGGPLKFSEKFQLFTPFSLGFEFRPGHEYYYISATPPNLV 131 1:..:: 1 11 1.1 : 1:11:. 1:11..1.. ... 97 VLVTCNR...PEQEIRFTIKFQEFSPNYMGLEFKKHHDYYITSTSNGSLE 143 132 D.....RPCLRLKVYVRPTNETLYEAPEPIFTSNSSCSGLGGCHLFL 173 144 GLENREGGVCRTRTMKIIMKVGQDPNAVTPEQLTTSRPSKEADNTVKM.A 192 1 . 1 . :: 11. 193 TQAPGSRGSLGDSDGKHETVNQEEKSGPGASGGSSGDPDGFFNSKVAL 240

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GAP of: Mlerk6.Pep che~k: 6430 from: 1 to: 186 TRANSLATE of: mlerk6.seq check: 8999 from: 1 to: 558 generated symbols 1 to: 186. WORKING FILE DO NOT COPY! to: Lerk5.Pep check: 8553 from: 1 to: 240 TRANSLATE of: lerk5.leg check: 889 from: 1 to: 1002 generated symbols 1 to: 334. Coding region of human LERK-5. Symbol comparison table: Gencoredisk:[Gcgcore.Data.Rundata]Nwsgappep.Cmp CompCheck: 1254 Gap Weight: 3.000 Average Match: 0.540 Length Weight: 0.100 Average Mismatch: -0.396 Quality: 83.2 Length: 250 0.447 Ratio: Gaps: Percent Similarity: 47.727 Percent Identity: 27.841 Mlerk6.Pep x Lerk5.Pep 16:59 ... . HARANADRY....AVYWNRSNPRFQVSAVGDG 28 . . . . : ::|||.||.:| 1 MAVRRDSVWKYCWGVLMVLCRTAISKSIVLEPIYWNSSNSKFL....PG 45 29 GGYTVEVSINDYLDIYCPHYGAPLPPAERMERYILYMVNGEGHASCDHRQ 78 .|..: .|.||||.||. :. ...: || :|||: :. ..|. :.
46 QGLVLYPQIGDKLDIICPKVDS..KTVGQYEYYKVYMVDKDQADRCTIKK 93 79 RGFKRWECNRPAAPGGPLKFSEKFQLFTPFSLGFEFRPGHEYYYISATPP 128 94 ENTPLLNC...AKPDQDIKFTIKFQEFSPNLWGLEFQKNKDYYIISTSNG 140 129 NLVD......RPCLRLKVY 141 . 1 : 11 1 141 SLEGLDNQEGGVCQTRAMKILMKVGQDASSAGSTRNKDPTRRPELEAGTN 190 142 VRPTNETLYEAPEPIFTSNSSCSGLGGCHLFLTTVPVLWSLLGS\*.... 186 191 GRSSTTSPFVKPNPGSSTDGNSAGHSGNNILGSEVALFAGIASGCIIFIV 240

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Mlerk6.Pep chack: 6430 from: 1 to: 186
 ANSLATE of: mlerk6.seq check: 8999 from: 1 to: 558
generated symbols 1 to: 186.
WORKING FILE
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to: B61.Pep check: 4381 from: 1 to: 205
TRANSLATE of: b61.seq check: 6304 from: 74 to: 688
generated symbols 1 to: 205.
LOCUS
          HUMB61
                     1480 bp ss-mRNA
                                             PRI
DEFINITION Human B61 mRNA, complete cds.
ACCESSION M57730 M37476
KEYWORDS
          intermediate-early response gene. . . .
Symbol comparison table: Gencoredisk:[Gcgcore.Data.Rundata]Nwsgappep.Cmp
CompCheck: 1254
       Gap Weight: 3.000
                            Average Match: 0.540
     Length Weight: 0.100
                          Average Mismatch: -0.396
          Quality:
                  128.5
Ratio: 0.691 Gaps: 4
Percent Similarity: 59.218 Percent Identity: 45.251
                                   Length:
Mlerk6.Pep x B61.Pep
                                    16:29 ..
     1 ......RARANADRYAVYWNRSNPRFQVSAVGDGGGYTVEVSIN 38
                  1 MEFLWAPLLGLCCSLAAADRHTVFWNSSNPKFR.....NEDYT1HVQLN 44
    39 DYLDIYCPHYGAPLPPAERMERYILYMVNGEGHASCDHRQRGFKRWECNR 88
       45 DYVDIICPHYEDHSVADAAMEQYILYLVEHEEYQLCQPQSKDQVRWQCNR 94
    89 PAAPGGPLKFSEKFQLFTPFSLGFEFRPGHEYYYISATPPNLVDRPCLRL 138
       95 PSAKHGPEKLSEKFQRFTPFTLGKEFKEGHSYYYISKPIHQHEDR.CLRL 143
   139 KVYVRP.....TNETLYEAPEPIFTSNSSCSGLGGCHLF.LTTV 176
                      144 KVTVSGKITHSPQAHVNPQEKRLAADDPEVRVLHSIGHSAAPRLFPLAWT 193
   177 PVLWSLLGS*.. 186
       .: |: . | |
   194 VLLLPLLLLQTP 205
```

erk6.Pep check: 6430 from: 1 to: 100-SLATE of: mlerk6.seq check: 8999 from: 1 to: 558 generated symbols 1 to: 186. WORKING FILE DO NOT COPY! to: Mc6.Pep check: 7024 from: 1 to: 168 TRANSLATE of: mc6.seq check: 5844 from: 2 to: 505 generated symbols 1 to: 168. Sequence of murine C6 (LERK-4) as derived from the genomic clone (3.5 kbp Sst1 fragment). Symbol comparison table: Gencoredisk:[Gcgcore.Data.Rundata]Nwsgappep.Cmp CompCheck: 1254 Gap Weight: 3.000 Average Match: 0.540 Length Weight: 0.100 Average Mismatch: -0.396 Quality: 111.3 Length: 196 Ratio: 0.663 Gaps: Percent Similarity: 65.190 Percent Identity: 45.570 Mlerk6.Pep x Mc6.Pep 16:31 1 RARANADRYAVYWNRSNPRFQVSAVGDGGGYTVEVSINDYLDIYCPHYGA 50 : . . . 11 1 .....VELGFNDYLDIFCPHYES 25 51 PLPPAERMERYILYMVNGEG.HASCDHRQRGFKRWECNRPAAPGGPLKFS 99 26 PGPPEGP.ETFALYMVDWSGYEACTAEGANAFQRWNCSMPFAPFSPVRFS 74 100 EKFOLFTPFSLGFEFRPGHEYYYISATPPNLVDRPCLRLKVYVRPTN.ET 148 75 EKIQRYTPFPLGFEFLPGETYYYISVPTPESPGR.CLRLQVSVCCKESGS 123 149 LYEAPEPI.FTSNSSCSGLGGCH.....LFLTTVPVLWSLLGS\* 186

1:1 :1:1: 1 .

.1.:.1: .::1:.11: [.]

124 SHESAHPVGSPGESGTSGWRGGHAPSPLCLLLLLLLPILRLLRVL. 168

Mlerk6.Seq check: 8999 from: 1 to: 797

DO NOT COPY!

to: A2.Seq check: 9214 from: 1 to: 987

HEKL CLONE A2 SEQ REQ 1741 DIR= [JOHNSONL.HEKL]

Symbol comparison table: Gencoredisk:[Gcgcore.Data.Rundata]Nwsgapdna.CmpCompCheck: 6876

Gap Weight: 5.000 Average Match: 1.000 Length Weight: 0.300 Average Mismatch: 0.000

Quality: 362.8 Length: 1011 Ratio: 0.455 Gaps: 9

Percent Similarity: 56.016 Percent Identity: 56.016

Mlerk6.Seq x A2.Seq 16:33 ...

CGGGCCCGGGCCAACGCTGAC 21 !!! 101 TGCCGCTGCTGCCGCTGCCGAAGGGCCCGGAGGGCGCTGGGAAAC 150 22 CGATACGCAGTCTACTGGAACCGTAGCAACCCCAGGTTTCAGGTGAGCGC 71 1 1 1 151 CGGCATGCGGTGTACTGGAACAGCTCCAACCAGCACCTGCGG...... 192 72 TGTGGGTGATGGCGGCGCTATACCGTGGAGGTGAGCATCAACGACTACC 121 .....CGAGAGGGCTACACCGTGCAGGTGAACGTGAACGACTATC 232 122 TGGATATCTACTGCCCACACTA..... .....CGGGGCG 150 111111 233 TGGATATTTACTGCCCGCACTACAACAGCTCGGGGGTGGGCCCCGGGGCG 282 151 CCGCTGCCCCCGGCTGAGCGCATGGAGCGGTACATCCTGTACATGGTGAA 200 283 GGACCGGGGCCCGGAGGCGGGCAGAGCAGTACGTGCTGTACATGGTGAG 332 201 TGGTGAGGGCCACGCCTCTGTGACCACCGGCAGCGAGGCTTCAAGCGCT 250 333 CCGCAACGGUTAUCGCACCTGCAACGCCAGCCAG...GGCTTCAAGCGCT 379 251 GGGAATGCAACCGGCCCGCAGCGCCCGGGGGACCCCTCAAGTTCTCAGAG 300 380 GGGAGTGCAACCGGCCGCACGCCCCCATCAAGTTCTCGGAG 429 301 AAGTTCCAACTCTTCACCCCCTTTTCCCTGGGCTTTGAGTTCCGGCCTGG 350 430 AAGTTCCAGCGCTACAGCGCCTTCTCTCTGGGCTACGAGTTCCACGCCGG 479 351 CCACGAATACTACATCTCTGCCACACCTCCCAACCTCGTGGACCGAC 400 480 CCACGAGTACTACATCTCCACGCCCACTCACAACC...TGCACTGGA 526

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4 4 0	•	
448	TATGAGGCTCCAGAC CATCTTCACCAGTAACAGCTCCTGC	489
577	GGGGAGAAGCCGGTCCCCACTCTCCCCCAGTTCACCATGGGCCCCAATGT	626
490	AGCGGCCTGGGTGGCTGTCACCTCTCCTCACCACCGTCCCTC	
627		
L 2 2	•	
	TGCTGTGGTCCCTTCTGGGCTCCTAGTGTCAGGCCGGAGAACACCAGCCC	
677	AGCTTGAGAAGAGCATCAGCGGGACCAGCCCCAAACGGGAACACCTGCCC	726
583	CACCTGGACCCCGTGACCTTTGCCCTCTGACCTGCCACGGCCACCTCCGA	632
	CTGGCCGTGGGCATCGCCTTCTTCCTCATGACGTTCTTGGCCTCCTAGCT	
	GACAAAATCCTTGCTGCTTCTCTTTCATGGTGCTGTCCCGCCGGA	
	CTGCCCCTCCCCTGGGGGGGGGAGAGATGGGGGGGGGCTTGGAAGGAGCA	
678	Cm	715
827	GGGAGCCTTTGGCCTCCCAAGGGAAGCCTAGTGGGCCTAGACCCCTCCT	
	•	
	CCCAATGCCTGAGGAGAAGACCCCCCCCCAAGGCTGACTCGCTTTC	
877	CCCATGGCTAGAAGTGGGGCCTGCACCATACATCTGTGTCCGCCCCCTCT	926
	ACCAGGGCCACCAGGGCCATCCAGTGTTGCaTAATT	797
927	ACCCCTTCCCCCCACGTAGGGCACTGTAGTGGACCAAGCACGCCACACG	026

Quality: 183.3 Length: 338
Ratio: 0.554 Gaps: 3
Percent Similarity: 61.846 Percent Identity: 61.846 Mlerk6.Seq x Mc6.Seq 14:13 ... 99 TACOGTGGAGGTGAGCATCAACGACTACCTGGATATCTACTGCCCACACT 148 \$1818 II II \$181811 BERE II BERE BEREFEEL 1 20 .GTGGTGGAGCTGGGCTTCAACGATTACCTAGACATCTTCTGCCCACATT 68 THE RESIDENCE OF THE PARTY OF T 69 ATGAAAGCCCAGGGCCCC...CAGAAGGCCCGGAAACCTTTGCATTATAC 115 199 ATGGTGAATGGTGAGGGCCAC...GCCTCCTGTGACCACCGCCAGCGAGG 245 116 ATGGTGGACTGGTCAGGCTACGAGGCCTGCACGGCAGAGGGGGCCAAATGC 165 246 CTTCAAGCCCTGGGAATGCAACCGGCCCGCAGCCCCCGGGGGACCCCTCA 295 166 CITCCAGCCTGGAATTGCTCGATGCCTTTTGCCCCTTTCAGCCCTGTTC 215 296 AGITCICAGAGAAGITCCAACICITCACCCCCTTTTCCCTGGGCTTTGAG 345 216 GATTCTCAGAAAAGATTCAGCGCTACACACCCTTCCCGCTGGGCTTTGAG 265 346 TTCCGGCCTGGCCACGAATACTACTACATCTCTGCCACACCTCCCAACCT 395 266 TTCTTGCCTGGAGAGACTTACTACTACATCTCGGTGCCGACTCCGGAGAG 315 396 CGTGGACCGACCCTGCCTGCGACTCAAGGTTTATG... 430 316 TCCTGgCCG...GTGCCTGAGACTCCAGGTGTCTGTCT 350

\$

Length:

411

Gaps: 1

14:01 ...

Quality: 104.9

Mlerk6.Seq x Lerk5.Seq

Ratio: 0.373

Percent Similarity: 39.858 Percent Identity: 39.858

HEK/ELK Meeting Minutes

B. Davison in the absence of Doug Cerretti.

Nicole Nelson summarized the recent screening of a murine embryonic cDNA library with a combination of LERKs(A2,C6) plus GSK beta kinase(Fred Fletcher's probe): Hybridization conditions were 42 C in 50% Stark's followed by washes at 63 C, 0.1X SSC.

13 initial positives were obtained of which 4 did not repeat; Nicole will rescreen these using a less stringent wash protocol. Currently, the sequence analysis indicates that the collection contains at least1 gsk Beta clone, 1 gsk Beta-like clone and interestingly, a new LERK, LERK-6.

All four cysteine residues are conserved while inspection of the carboxy terminal portion of the sequence indicates that LERK-6 fits into the GPI-linked class(similar to LERKS 1,3 and 4). The amino terminus of the protein is apparently lacking about 20 or 25 amino acid residues in the current clone. In the binding region, the LERK-6 DNA sequence displays about 70% identity with A2(LERK 3) corresponding to 288 bp of overlap.

Efforts are now being directed at identification of a source to obtain the human homologue.

### REDACTED

### REDACTED



## American Type Culture Collectsch E Capy

12301 Packlawn Drive · Rockville, MD 20852 USA · Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH · FAX: 301-770-2587

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Immunex Corporation Attention: Stephen L. Malaska Legal Affairs Department 51 University Street Seattle, WA 98101

Deposited on Behalf of: Immunex Corporation (Docket No. 2826)

Identification Reference by Depositor:

**ATCC** Designation

Recombinant phage lambda gt10 vector, clone lambda 13M LERK-6 (murine)

75829

The deposit was accompanied by: \_\_ a scientific description \_ a proposed taxonomic description indicated above.

The deposit was received accepted.

by this International Depository Authority and has been

#### AT YOUR REQUEST:

X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested viable.

On that date, the culture was

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Bobbie A. Brandon, Head, ATCC Patent Depository

Form BP4/9